



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Bradley Weiss  
DOCKET NO.: 13-01812.001-R-1  
PARCEL NO.: 04-24-251-010

The parties of record before the Property Tax Appeal Board are Bradley Weiss, the appellant, by attorney Laura Godek of Laura Moore Godek, PC in McHenry; and the Kane County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$29,755  
**IMPR.:** \$154,425  
**TOTAL:** \$184,180

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property is improved with a part two-story and part one-story dwelling of masonry construction with 4,637 square feet of living area. The dwelling was constructed in 2006. Features of the home include a full basement, central air conditioning, four fireplaces and an attached garage with 1,307 square feet of building area. The property has a 2.32 acre site and is located in Hampshire, Burlington Township, Kane County.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 26, 2012 for a price of \$330,000. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the seller was ING Bank, FSB and the parties were not related. The appellant indicated the property was sold through a Realtor, the property had been listed in the Multiple Listing Service (MLS) and had been on the market for 84 days. The appellant submitted a copy of the subject's MLS listing sheet disclosing the property sold "AS-IS", and further asserted the property requires extensive interior repairs and the home is a shell. The listing further indicated the property was a REO/Lender Owned, Pre-Foreclosure. To further document the sale the appellant submitted a copy of the subject's Listing & Property History Report, the settlement statement, the PTAX-203 Illinois Real Estate Transfer Declaration associated with the sale and a copy of the real estate sales contract. The appellant also submitted copies of photographs of the subject property showing among other things: the home lacked a furnace and hot water heater; no water conditioning or sewage pump system; no sump pump; no air conditioning; no kitchen cabinets or sink; kitchen wall damage; no front door; wall damage to remove the shower system; no shower head system in the two bathrooms; bathroom wall damage; electrical wall damage; and wall damage to remove the tub. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$184,180. The subject's assessment reflects a market value of \$552,927 or \$119.24 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Kane County of 33.31% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted evidence provided by the township assessor. The assessor asserted the photographs submitted by the appellant depict the condition of the home at the time of purchase. The assessor provided copies of photographs of the subject property from an interior inspection made in 2013. The photographs depict such features as: the furnace and hot water heater; water conditioning and sewage pump system; sump pump; two air conditioning units; kitchen cabinets and sink; a repaired kitchen wall; front doors; shower system; repaired bathrooms;

replaced master bath tub; custom featured ceiling; and custom featured office.

The assessor also provided information on three comparable sales improved with two-story dwellings that ranged in size from 3,521 to 4,830 square feet of living area. The dwellings were constructed in 1996 and 2006 and were located in Hampshire or St. Charles. Each comparable had a full walk-out basement, central air conditioning, a fireplace and attached garages ranging in size from 840 to 930 square feet of building area. One comparable also had a detached garage with 621 square feet of building area. The comparables had sites ranging in size from .22 acres to 2.67 acres. The sales occurred from June 2011 to July 2012 for prices ranging from \$542,000 to \$1,150,000 or from \$153.93 to \$243.44 per square foot of living area, including land.

In rebuttal the appellant submitted a copy of a statement from Jared Johnson Contracting LLC dated April 9, 2012, for the costs associated with the renovations and maintenance of the home totaling \$42,600. The appellant argued that the purchase price plus the cost of repairs was the best evidence of market value.

The appellant also critiqued the sales provided by the board of review. The appellant stated comparable #1 was 24% smaller than the subject property, has an additional bathroom and has an extensive deck and a pool, which is above ground. The appellant noted comparable sale #2 closed in July 2011, less proximate in time to the assessment date. The appellant also noted the MLS listing sheet indicated this property included a flat screen TV in the great room, bose speaker system interior and exterior, theater room projector and screen and a flat screen in the exercise room. The property was located 8.87 miles from the subject property in St. Charles while the subject is located in Hampshire. With respect to comparable sale #3 the appellant noted this comparable was located 9.13 miles from the subject property in St. Charles. The appellant also argued this comparable sold in June 2011 less proximate in time to the assessment date.

#### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86

Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The evidence in this record disclosed the appellant purchased the subject property in a state of disrepair in April 2012 for a price of \$330,000. Subsequent to the purchase the appellant expended \$42,600 to make the repairs. The sum of the purchase price and the repairs is \$372,600 or \$80.35 per square foot of living area, land included. This price appears extremely low and not indicative of fair cash value when compared to the comparable sales provided by the board of review that sold for unit prices ranging from \$153.93 to \$243.44 per square foot of living area, including land. The best comparable in the record appears to be board of review sale #1 that was located in Hampshire on a parcel adjacent to the subject property and sold in July 2012 for a price of \$542,000 or for \$153.93 per square foot of living area, including land. The dwelling on property was ten years older than the subject dwelling and smaller than the subject dwelling. This comparable had a site that was relatively similar to the subject parcel in size. This comparable is supportive of the subject's assessment which reflects a market value of \$552,927 or \$119.24 per square foot of living area, land included.

Based on this record the Board finds a reduction in the subject's assessment is not justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

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Chairman



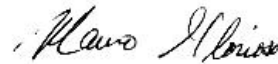
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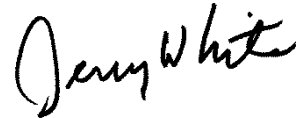
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DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: December 18, 2015



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Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.